

Remarks/Arguments

Claims 1-39 were pending. In response to the outstanding Restriction Requirement, Applicants elect the Claims of Group I and further elect the species Oct-4. Claims 1-4, 8, 15, 22, 29, and 36 are hereby canceled without prejudice. Claims 5-7, 9-14, 16-21, 23-28, 30-35, and 37-39 are withdrawn. Claims 40-61 are new. No new matter is added as support is found throughout the Specification.

Applicants believe that new Claims 40-54 are within Group I. Claims 55-61 are process claims that depend from or otherwise include all of the limitations of the Claims of Group I. As Claims 55-61 are related to the Claims 40-54 as a process of making and product made, it is respectfully requested that Claims 40-61 be examined together. It is believed that such examination would not require an undue burden on the Examiner as it is sincerely believed that a search for the claims of Group I would encompass the search for Claims 55-61. If the Examiner finds that restriction between Claims 40-54 and Claims 55-61 is necessary, the Applicants elect Claims 40-54.

Applicant was required to elect one of the following groups of invention:

- I. Claims 1-4, drawn to a composition or a pharmaceutical composition comprising a placental derived stem cell, classified in class 435, subclass 372.
- II. Claim 5, drawn to a method of making a cardiomyocyte using the placental stem cell, classified in class 435, subclass 377.
- III. Claims 6-9, drawn to a composition or a pharmaceutical composition comprising a cardiomyocyte, classified in class 435, subclass 372.
- IV. Claims 10-11, drawn to a method of determining whether a test agent is toxic to a cardiomyocyte or for determining a metabolic product of a test agent using a cardiomyocyte, classified in class 435, subclass 375.
- V. Claim 12, drawn to a method for making a hepatocyte using the placental stem cell, classified in class 435, subclass 377, classified in class 435, subclasses 377.
- VI. Claims 13-16, drawn to a composition or a pharmaceutical composition comprising a hepatocyte, classified in class 435, subclass 370.

- VII. Claims 17-18, drawn to a method of determining whether a test agent is toxic to a hepatocyte or for determining a metabolic product of a test agent using a hepatocyte, classified in class 435, subclass 375.
- VII. Claim 19, drawn to a method of making a pancreatic cell using the placental stem cell, classified in class 435, subclass 377.
- IX. Claims 20-23, drawn to a composition or a pharmaceutical composition comprising a pancreatic cell, classified in class 435, subclass 370.
- X. Claims 24-25, drawn to a method of determining whether a test agent is toxic to a pancreatic cell or for determining a metabolic product of a test agent using a pancreatic cell, classified in class 435, subclass 375.
- XI. Claim 26, drawn to a method of making a neural cell using the placental stem cell, classified in class 435, subclass 377.
- XII. Claims 27-30, drawn to a composition or a pharmaceutical composition comprising a neural cell, classified in class 435, subclass 368.
- XIII. Claims 31-32, drawn to a method of determining whether a test agent is toxic to a neural cell or for determining a metabolic product of a test agent using a neural cell, classified in class 435, subclass 375.
- XIV. Claim 33, drawn to a method of making a vascular endothelial cell using the placental stem cell, classified in class 435, subclass 377.
- XV. Claims 34-37, drawn to a composition or a pharmaceutical composition comprising a vascular endothelial cell, classified in class 435, subclass 372.
- XVI. Claims 38-39, drawn to a method of determining whether a test agent is toxic to a vascular endothelial cell or for determining a metabolic product of a test agent using a vascular endothelial cell, classified in class 435, subclass 375.

In response, Applicants elect to pursue the claims of Group I in this application.

Election of Group I further required election of a species from the markers of the Markush group of Claim 1 or 2. Accordingly, Applicants have elected the species Oct-4. Claims 40-54 (and Claims 55-61, if not restricted) read on the elected species. Applicants respectfully request that, upon allowance of a generic claim, claims directed to non-elected

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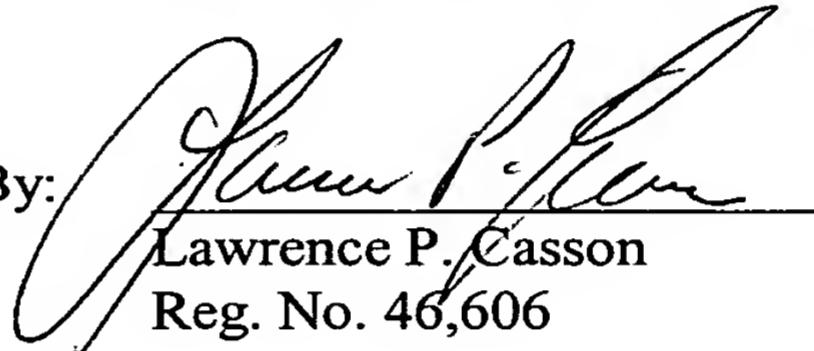
species including all the limitations of the generic claim be considered in accordance with 37 C.F.R. § 1.141 and ultimately allowed.

In view of the foregoing amendment, the application is now believed to be in condition for examination. Prompt consideration and allowance of the pending claims is respectfully requested.

Respectfully submitted,

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